

**To:** CN=Mark Dyner/OU=DC/O=USEPA/C=US@EPA;CN=Stephen Sweeney/OU=DC/O=USEPA/C=US@EPA[]; N=Stephen Sweeney/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Lynda Hall/OU=DC/O=USEPA/C=US@EPA;CN=Chris Solloway/OU=DC/O=USEPA/C=US@EPA[]; N=Chris Solloway/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Don Wayne/OU=DC/O=USEPA/C=US  
**Sent:** Thur 8/30/2012 9:23:46 PM  
**Subject:** Fw: Oregon CZARA -- pesticides  
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----- Forwarded by Don Wayne/DC/USEPA/US on 08/30/2012 05:22 PM -----

**From:** Allison Castellan <[allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)>  
**To:** David Powers/R10/USEPA/US@EPA  
**Cc:** Jayne Carlin/R10/USEPA/US@EPA, Don Wayne/DC/USEPA/US@EPA  
**Date:** 08/30/2012 03:30 PM  
**Subject:** Re: Fw: Oregon CZARA -- pesticides

# Ex. 5 - Deliberative

On Thu, Aug 30, 2012 at 2:22 PM, David Powers <Powers.David@epamail.epa.gov> wrote:

Chad - I recently sent you an August 20, 2012 letter from NWEA to EPA and NOAA regarding EPA/NOAA findings on OR's management measures for pesticide use on ag and forest lands. That letter is attached below along with related rule change petition documents.

In the letter NWEA claims that the EPA/NOAA Coastal Resource Program 2004 interim sign off on OR's coastal nonpoint source pollution control plan (CNPCP) management measures for pesticide use relied on a court-ordered injunction stemming from the WA Toxics Coalition v. EPA Court decision. NWEA further indicates that since that injunction has terminated for a number of pesticides, and will likely be completely terminated by June 30, 2013, an EPA proposed final decision that relied on the injunction would be arbitrary and capricious.

It was my understanding that the injunction would be in place until Section 7 consultation on several dozen pesticides had been completed. Do you or John know the current status of those pesticide consultations and whether they have resulted in specific label use restrictions or riparian buffer requirements?

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----- Forwarded by David Powers/R10/USEPA/US on 08/28/2012 10:37 AM -----

From: "Nina Bell" <nbell@advocates-nwea.org>  
To: Mike Bussell/R10/USEPA/US@EPA, <John.King@noaa.gov>  
Cc: <PEDERSEN.Dick@deq.state.or.us>, "Bill Blosser" <bill@wrb-consulting.com>, <ALDRICH.Greg@deq.state.or.us>, "FOSTER Eugene P" <FOSTER.Eugene@deq.state.or.us>, <Allison.Castellan@NOAA.gov>, David Powers/R10/USEPA/US@EPA, <kim.kratz@noaa.gov>, Marylou Soscia/R10/USEPA/US@EPA, David Croxton/R10/USEPA/US@EPA, Alan Henning/R10/USEPA/US@EPA, <paul\_henson@fws.gov>, "Will Stelle" <will.stelle@noaa.gov>, <Rob.Walton@noaa.gov>, Dennis McLerran/R10/USEPA/US@EPA  
Date: 08/20/2012 02:10 PM  
Subject: Oregon CZARA -- pesticides

Please find a short letter attached.

Nina

Nina Bell, J.D., Executive Director  
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(See attached file: CZARA Letter to Federal Agencies re pesticide petition.pdf)(See attached file: Pesticide Petition FINAL.pdf)(See attached file: Table of Contents FINAL.pdf)

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